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NORTHERN TERRITORY OF AUSTRALIA

WORK HEALTH COURT

No: 21626934

WORK HEALTH AUTHORITY

and

BEN'S TREE SERVICE PTY LTD

JUDGE CAVENAGH

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON 20 JULY 2016

Transcribed by:
DTI

HIS HONOUR: It is impossible, and whatever I do in terms of a financial penalty for this offence should not be seen as the cost of a leg. It would be impossible, and is impossible to quantify such an awful result.

But I do have to send out a message by way of the penalty to businesses who employ people and go out and engage in rather dangerous activities such as tree lopping and chipping is, and manifestly so, that they have to have regard to safety in a real and manifest sense.

Whether you're a small business or a large business. This was an awful incident with traumatic catastrophic results by way of a man losing his leg. Unfortunately it's not unusual for volunteers in those situations to be the ones who end up injured as this man was, to some extent.

I take into account the positive co-operation by Mr Atkinson's(?) company with WorkSafe. The contrition, lack of any prior record for unsafe work practices, the early plea of guilty, and the financial circumstances of the company accounting to the following disposition:

The company is convicted and fined \$15,000. I take into account all the principles and guidelines that are encumbered on me in terms of coming to that disposition. I don't know whether there's a \$150 levy or not. I'm not going to make it though.

Anything else, Mr Tippet?

MR TIPPETT QC: No, your Honour.

HIS HONOUR: Thank you.

ADJOURNED